

ESTTA Tracking number: **ESTTA448015**

Filing date: **12/22/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	CSP, Inc. DBA Central States Products
Granted to Date of previous extension	12/28/2011
Address	1277 Ambassador St. Louis, MO 63132 UNITED STATES
Attorney information	Glenn K. Robbins II Spencer Fane Britt & Browne, LLP 1 North Brentwood Blvd.Suite 1000 St. Louis, MO 63105 UNITED STATES sfbbaction@spencerfane.com Phone:314-863-7733

Applicant Information

Application No	85279439	Publication date	08/30/2011
Opposition Filing Date	12/22/2011	Opposition Period Ends	12/28/2011
Applicant	Home Bay Trading Corp. 395 Johnson Avenue Brooklyn, NY 11206 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 2009/03/01 First Use In Commerce: 2009/03/01
All goods and services in the class are opposed, namely: Paper stationery

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3033743	Application Date	09/16/2004
Registration Date	12/27/2005	Foreign Priority Date	NONE
Word Mark	STAPRO		

Design Mark	STAPRO
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2004/08/31 First Use In Commerce: 2004/08/31 PLASTIC SHEETS FOR WRITING, PRINTING AND MARKING; PLASTIC SHEETS OR ROLLS IN VARIOUS THICKNESS AND COLORS FOR DIE CUTTING, DECORATING, FABRICATING AND PRINTING

Attachments	76612249#TMSN.gif (1 page)(bytes) STAPRO Notice of Opposition.pdf (4 pages)(146893 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Glenn K. Robbins II/
Name	Glenn K. Robbins II
Date	12/22/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CSP, INC.)	
dba CENTRAL STATES PRODUCTS)	Opposition No.
Opposer,)	
)	Mark STAPRO
)	
vs.)	
)	
HOME BAY TRADING CORP.)	
)	Serial No. 85/279,439
Applicant.)	

NOTICE OF OPPOSITION

CSP, Inc., dba Central States Products ("Opposer"), a Missouri corporation having a place of business at 1277 Ambassador, St. Louis, Missouri 63132, believes that it would be damaged by the registration of the mark STAPRO, shown in U.S. Trademark Application Serial No. 85/279,439 ("Applicant's Mark") to Home Bay Trading Corp. ("Applicant") and hereby opposes same.

Opposer alleges upon personal knowledge for its own acts and upon information and belief with respect to all other matters, as follows:

1. Application Serial No. 85/279,439 (hereinafter the "Opposed Application") seeks registration of the mark STAPRO for paper stationery.
2. The Opposed Application was filed on March 29, 2011 by Applicant, alleging a date of first use of the mark in commerce as March 1, 2009.
3. Long prior to the March 29, 2011 filing date of the Opposed Application, and the alleged date of first use of March 1, 2009, Opposer adopted, used, and is still using the trademark STAPRO for plastic sheets for writing, printing and marking; plastic sheets or rolls in various thickness and colors for die cutting, decorating, fabricating and printing.

4. Opposer is the owner of the trademark STAPRO as alleged more fully below. Opposer has continuously used the trademark STAPRO for plastic sheets for writing, printing and marking; plastic sheets or rolls in various thickness and colors for die cutting, decorating, fabricating and printing, and in the advertising and sale thereof, in interstate commerce since well prior to the filing date of the Opposed Application and the alleged date of first use of the mark cited therein.

5. By virtue of the prior and continuous advertising and sales of Opposer's goods under the STAPRO mark, and the maintenance of high quality standards thereto, purchasers of such goods have come to recognize the mark STAPRO as a singular indication of origin, as a consequence of which Opposer has established goodwill and exclusive rights in the STAPRO mark.

6. Opposer duly registered STAPRO as a trademark for plastic sheets for writing, printing and marking; plastic sheets or rolls in various thickness and colors for die cutting, decorating, fabricating and printing in the United States Patent and Trademark Office under Registration No. 3,033,743 which issued December 27, 2005.

7. Registration No. 3,033,743 is prima facie evidence of the validity thereof and Opposer's ownership and exclusive right to use the mark STAPRO in commerce, and is constructive notice of Opposer's ownership thereof, all as provided by §§ 7(b) and 22 of the Federal Trademark Act of 1946, as amended. The right to use the mark STAPRO having become incontestable, Registration No. 3,033,743 is conclusive evidence of Opposer's exclusive right to use the STAPRO mark shown therein in commerce as provided by §§ 15 and 33(b) of the Federal Trademark Act.

8. The goods described in Opposer's Registration Nos. 3,033,743 and otherwise sold by Opposer, and the goods described in the Opposed Application are commercially related, and are likely sold to the same or overlapping classes of purchasers.

9. Opposer sells its plastic sheets to other parties, who in turn use the plastic sheets as covers for paper stationery products of which the goods of Applicant are believed to be in direct competition.

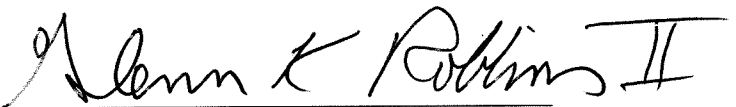
10. Therefore, purchasers, prospective purchasers and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's described goods emanate from and/or are in some way sponsored, or approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer.

11. Applicant is not lawfully entitled to the registration which it seeks for the reason, inter alia, that Applicant's mark STAPRO, as used in connection with the goods described in the Opposed Application, so resembles Opposer's mark STAPRO as to be likely to cause confusion, to cause mistake or to deceive within the meaning of §2(d) of the Federal Trademark Act, thereby damaging Opposer.

WHEREFORE, Opposer believes that the present opposition should be sustained and the registration of Applicant's mark refused.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP

By 

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CERTIFICATE OF SERVICE

A copy of the foregoing was mailed, via first-class mail, postage prepaid, this 22nd day of December, 2011, to the following:

Allen R. Morgenstern
Allen R. Morgenstern PC
355 Post Ave, Ste. 204
Westbury, New York 11590-2265

Handwritten signature of Margaret Williams in cursive script.